

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 2:05CR126-P-B

RALPH ANDREW OCHSENHIRT,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant's Second Motion to Continue Trial [15-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

The motion is well-taken and should be granted.

Trial is currently set for March 6, 2006. Defense counsel requests that trial be continued to allow additional time for (1) indictments for bank robbery from other jurisdictions to be transferred to this court pursuant to Federal Rule of Criminal Procedure 20 and (2) defense counsel's maternity leave. Defense counsel avers that the defendant is ineligible for bond and has waived any issues arising under the Speedy Trial Act. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from March 6, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for her client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion to Continue Trial [15-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, April 10, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from March 6, 2006 to April 10, 2006 is excluded as set out above;
- (4) The deadline for filing pretrial motions is March 20, 2006; and
- (5) The deadline for submitting a plea agreement is March 27, 2006.

SO ORDERED, this the 14th day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE